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BY HAND

April 13, 2006

The Honorable Mark L. Wolf
One Courthouse Way
John Joseph Moakley Courthouse
Boston, MA 02210

Re: United States v. John Diamont - (Cr. No. 05-10154-MLW)

Dear Judge Wolf:

FILED
CLERKS OFFICE
2006 APR 13 P 12:34
U.S. DISTRICT COURT
DISTRICT OF MASS

I am writing to you concerning defendant John Diamont's request that you hold an evidentiary hearing on his motion in limine to exclude records. We are scheduled to file the motion on April 21, 2006. The government is scheduled to file its Opposition on May 12, 2006. The defendant's reply, if any, is due May 19, 2006.

At the March, 2006 status conference, you stated that you would decide whether to hold a hearing based on the parties' filings.

Mr. Diamont is scheduled to undergo surgery on May 31, 2006 to treat his recently diagnosed cancer. If the surgery goes ideally, he may be able to attend a court hearing by late June. Depending upon the level of treatment required, it is possible he could be unavailable for the summer.

Mr. Diamont's doctors have recommend that he reduce his stress level. Consequently, the defendant requests that if the Court were to decide to schedule a hearing, could it hold the hearing prior to May 31, 2006? The defendant is available any day from May 17 to May 30. Would it be possible to set aside a day now for the hearing, and only proceed with it if the Court finds it appropriate? To facilitate this request, we will only file a reply if we believe it is absolutely necessary, and will file it by May 16, 2006. I have spoken with AUSA Peter Mullin and he has informed me that while he does not join our request for a hearing, he is available on those dates.

The Honorable Mark L. Wolf
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We realize this request is an imposition to the Court and the government. We only make it because of the defendant's unusual circumstances.

Sincerely,

A handwritten signature in black ink, appearing to be "Michael Kendall", written over the printed name.

Michael Kendall

cc: Peter Mullin
John Diamont

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